IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.9075-M of 2007
Date of Decision:- 02.04.2007

Anil ....Petitioner(s)

through
Mr.P.R.Yadav, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this petition is to release the petitioner on regular bail in case F.I.R.No.65 dated 8.8.2005 under Sections 363.366,376,120-B IPC registered at Police Station Rohrai, District Rewari.

The above-stated F.I.R. has been got registered on the complaint of father of the alleged victim Ms.Sarita. There appears to be hardly any dispute that she was more than 17 years of age at the time of alleged occurrence.

The petitioner was arrested on 9.8.2005 and during this period, the prosecutrix has appeared as PW-2. Her statement has been placed on record as Annexure P-2. It will be apposite to extract a part of his deposition which reads as follows:-

> "I had disclosed before the police that I had married with Dharambir s/o Sh. Hardwari, R/o Village Patheradi on 22.5.2005. I correctly made the statement before the police. In fact, I had married with said Dharambir and left him because he was impotent. I

returned to my home on the next day. No divorce was obtained from the Court. That marriage was not with Satpathi, but just by putting garland. The marriage was performed in my house. My parents were present. Except these above mentioned three marriages, I did not perform any other marriage. I do not know any Deep Chand Chaudhary, R/o Sidharat Nagar, Jotwara. I did not perform any marriage with him. It is incorrect to suggest that I performed marriage with Deep Chand Chaudhary. Again stated that I had performed marriage with Deep Chand Chaudhary on 12-8-2005 and three persons namely, my parents Jeet Ram and Savitri or my brother Krishan wre present. I remained with him for 6-7 months."

As regard to the petitioner, the prosecutrix has deposed as follows:-

"I had not got recorded in my statement that one and half months ago, I was having love affairs with Anil s/o Sh.Dariya Ram and I had eloped with him and I remained with him for ten days. (Confronted with statement Ex.DA with portion A to A1, wherein it is so recorded). I had eloped with Anil on two occasions and remained in his company for one and half months in all. Anil accompanied me on my insistence and on my asking. I had left my house with Anil of my own. During this period, we stayed at Rewari and Village

> Chillhar and Khetiawas and after a gap of 10/20 days, I separated myself from Anil accused. I had accompanied Anil on the above mentioned two occasions with the consent of my parents. The owner of the house along with his family members was residing in the house at Konsiwas Road, Rewari where both of us had lived."

After hearing learned counsel for the parties and without expressing any views on the merits of the case lest it should prejudice either of them, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Rewari.

April 02, 2007 **(SURYA KANT)**
poonam **JUDGE**